

REMARKS/ARGUMENTS

Applicants respectfully acknowledge that the Examiner has allowed claims 1, 21, and 22 and has indicated in section no. 6 (p. 4) of the Office Action mailed February 24, 2009 that claim 29 would be allowable if rewritten or amended to overcome the objection set forth in this Office Action.

Applicants have amended allowed claim 21 to independent form by incorporating the limitations of allowed claim 1, the claim from which allowed claim 21 had depended. Because this amendment of claim 21 is formal in nature and does not alter the scope of the claim, this amendment of claim 21 should not affect the disposition of this claim. Accordingly, Applicants respectfully request that the Examiner acknowledge that amended claim 21 is also allowed.

Claims 6 and 29 have been amended to independent form in response to the objections to these claims in section nos. 2 (p. 2) and 5 (pp. 3-4) of the Office Action. Applicants have further amended these claims to incorporate the suggestions that Examiner Russel made during the telephonic interview on May 22, 2009. It is believed that claims 6 and 29 are now in proper form and that the claim objections have been overcome.

Furthermore, Applicants have amended claim 6 to address the rejection of this claim under 35 U.S.C. § 102(b) as being anticipated by WO 01/59123. The Examiner indicates on page 3 of the Office Action that WO 01/59123 anticipates claim 6 because this document discloses a full-length PPL protein comprising SEQ ID NO: 7 and that claim 6 “does not contain any restrictions on the term ‘carrier protein’ which act to exclude full-length PPL from its scope.” Amended claim 6 does not encompass a full-length PPL protein because amended claim 6 is directed to a “single carrier protein” and includes the recitation, “wherein said compound does not consist of the PPL protein.” Therefore, amended claim 6 is not anticipated by WO 01/59123. Accordingly, Applicants submit that rejection of claim 6 under 35 U.S.C. § 102(b) has been overcome.

Appl. No.: 10/533,193
Amdt. dated August 10, 2009
Reply to Office Action of February 24, 2009

New dependent claims 30 and 31 have been added. The new claims are fully supported by Applicants' original disclosure. New claim 30 finds particular support in pending claim 6, particularly in the recitation deleted in the amendment of claim 6 above. Support for new claim 31 can be found, for example, in the specification on pages 17, 18, and 32-40, and in Figures 1, 2, and 11-23.

The amendments to the claims and the new claims are fully supported by Applicants' original disclosure. Accordingly, no new matter has been added by way of amendment of the claims or by the addition of the new claims.

For the reasons noted above, these amendments should place this application in condition for allowance. Favorable reconsideration and formal notification of the allowance of all claims are solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Summary of the Telephonic Interview of May 22, 2009

On May 22, 2009, Examiner Jeffrey E. Russel and Applicants' representative, David M. Saravitz, participated in a telephonic interview initiated by Applicants' representative. Applicants respectfully acknowledge the time and courtesy extended by Examiner Russel to Applicants' representative during this telephonic interview.

During the telephonic interview, Applicants' representative discussed proposed claim amendments to claims 6, 21, and 29. Although an agreement was not reached regarding amendments to these claims, Examiner Russel made several helpful suggestions for amending claims 6 and 29 as set forth in the Interview Summary mailed May 26, 2009. Applicants have incorporated suggestions made by Examiner Russel into the amended claims presented herein above and earnestly believe that the amended claims are in a form ready for allowance.

Appl. No.: 10/533,193
Amdt. dated August 10, 2009
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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON AUGUST 10, 2009.